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Attorneys for Plaintiffs
BACKGRID USA, INC., and
BACKGRID LONDON LTD.,

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BACKGRID USA, INC., and
BACKGRID LONDON LTD.,

Plaintiffs,

v.

HOT IN HERE, INC. d/b/a VLADTV,
and VLADIMIR LYUBOVNY,

Defendants.

Case No.: 2:24-cv-5751

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

Jury Trial Demanded

Plaintiffs BackGrid USA, Inc. and BackGrid London Ltd., for their Complaint
against Defendants Hot in Here, Inc. and Vlad Lyubovny, allege as follows:

JURISDICTION

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C. § 101
et seq. This Court therefore has jurisdiction over the subject matter of this action
under 28 U.S.C. § 1331 (federal question) and § 1338 (copyright).

PARTIES

Plaintiff BackGrid

2. Plaintiff BackGrid USA, Inc. (“BGUS”) is an entity organized and
existing under the laws of the State of California with its principal place of business in
Redondo Beach, California.

1 11. On information and belief, VladTV owns and operates the website
2 publicly available at www.vladtv.com, and/or is responsible for the content posted on
3 that website.

4 12. Vlad Lyubovny is an individual. On information and belief, Mr.
5 Lyubovny is the Chief Executive Officer of VladTV and resides in Calabasas,
6 California, in this judicial district.

7 13. On information and belief, by virtue of his position as CEO, Mr.
8 Lyubovny controls VladTV, makes decisions on its behalf, and has the right and
9 ability to supervise the activity of the corporation, including any infringing activity.

10 ***Personal Jurisdiction and Venue***

11 14. This Court has personal jurisdiction over defendant VladTV because its
12 principal place of business is in Calabasas, California, such that it can be said to be “at
13 home” in California and in this judicial district.

14 15. This Court has personal jurisdiction over defendant Lyubovny because
15 he resides in Calabasas, California, in this judicial district.

16 16. Venue in this judicial district is proper under 28 U.S.C. § 1400(a).

17 **BACKGROUND FACTS**

18 ***The Copyrighted Photographs***

19 17. BGUS is the owner and copyright holder of two photographic images
20 (the “BGUS Images”) as follows:

21 a. BGUS Image 1 depicts musical artist Beyonce with her hair in
22 braids. BGUS Image 1 was registered with the United States Copyright Office
23 as Registration No. VA 2-058-497 (eff. July 17, 2017). BGUS obtained
24 ownership of this copyright, along with the right to sue for any infringement,
25 from AKM-GSI Media, Inc. by written assignment.

26 b. BGUS Image 2 depicts actor Ben Affleck kissing musical artist
27 Jennifer Lopez. BGUS Image 2 was registered with the United States
28 Copyright Office as Registration No. VA 2-256-317 (eff. June 21, 2021).

1 26. In fact, all the Images were marketed and licensed as “Premium-
2 Exclusive” photographs. “Premium-Exclusive” photographs are likely to be
3 extremely popular and in high demand because they depict top celebrities or highly
4 newsworthy situations, or because they are available only from a single photo agency
5 (directly or through agents) in that no other photographers captured the celebrity or
6 event, or both. Premium-Exclusive photographs are more valuable and are licensed
7 for a higher fee, sometimes significantly higher (such as \$10,000 to \$50,000 or more,
8 and higher if the licensee wants a period of exclusivity where no other licensee can
9 display the photographs).

10 27. Defendants’ unauthorized use of the Images harmed the existing and
11 future market for them. Defendants’ website and Instagram posts made the Images
12 immediately available to VladTV’s followers and to the public, including consumers
13 of entertainment and fashion news—and especially news and images of the celebrity
14 subjects of the Images—who would otherwise be interested in viewing licensed
15 versions of the Images in the magazines, newspapers, and online publications that are
16 plaintiffs’ customers.

17 28. Defendants’ unauthorized use of the Images also harms plaintiffs’
18 business model by driving down the prices for legitimately licensed celebrity images
19 and driving away plaintiffs’ actual and potential customers. Plaintiffs’ customers—
20 among them, media companies who pay large license fees for celebrity visual
21 content—are less likely to purchase licenses, or pay as much for a license, when the
22 same visual content will be widely distributed simultaneously on publicly available
23 websites and social media.

24 29. In addition, defendants’ unauthorized uses of the Images are commercial
25 in nature. VladTV uses its Instagram feed for the purposes of promotion—
26 specifically, to promote brand awareness of its business interests and to attract and
27 drive users to its website where it derives revenue from advertisements.
28

- 1 E. For an award of pre-judgment interest as allowed by law;
2 F. For reasonable attorney fees;
3 G. For court costs, expert witness fees, and all other costs authorized under
4 law;
5 H. For such other and further relief as the Court deems just and proper.
6

7 **JURY TRIAL DEMAND**

8 Plaintiffs demand a trial by jury of all issues permitted by law.
9

10 Dated: July 8, 2024

Respectfully submitted,

11 **PERKOWSKI LEGAL, PC**

12 By: /s/ Peter Perkowski

13 Peter E. Perkowski

14 Attorneys for Plaintiffs
15 BACKGRID USA, INC. and
16 BACKGRID LONDON LTD.
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